

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

MARIETTA BOROUGH,

Municipal Lien Docket

v.

No.

JOHN AND JUDY HERR,

MUNICIPAL LIEN CLAIM

CI-19-10564

Marietta Borough, a municipal body duly incorporated under the laws of the Commonwealth of Pennsylvania, as amended, in the County of Lancaster and Commonwealth of Pennsylvania, hereby files a municipal claim for the amount set forth in Paragraph 5, against John and Judy Herr for unpaid sewer repair work provided by Marietta Borough at the property hereinafter described.

1. The claimant is Marietta Borough.
2. The present owner, or reputed owner of the property against which this claim is filed is John and Judy Herr with a last known address of 265 West Walnut Street, Marietta, Pennsylvania 17547.
3. A description of the property against which this claim is filed, known as 265 West Walnut Street, Marietta, Pennsylvania 17547 is as follows:

ALL THAT CERTAIN piece of land situate on the South side of West Walnut Street in Marietta Borough, County of Lancaster and Commonwealth of Pennsylvania, on which is erected a two story frame dwelling house and other improvements known as No. 265 West Walnut Street in that part of said Borough formerly called Waterford, the ground plan of said lots having been laid out by Benjamin Long, bounded and described as follows:

CONTAINING in front on the South side of West Walnut Street, twenty-five (25) feet, and extending in depth of that width Southwardly two hundred six (206) feet to Apple Alley.

BOUNDED on the North by West Main Street; on the West by property now or formerly of Peter J. Beichler; on the East by property now or formerly of Abraham Musser; and on the South by Apple Alley.

BEING THE SAME PREMISES which Susan C. Collins, Single Woman, by Deed dated November 26, 1985, and recorded November 27, 1985, in the Office of the Recorder of Deeds in and for the County of Lancaster, Pennsylvania in Deed Book N, Volume 93, Page 628, granted and conveyed unto Pamela M. Herman, her heirs and assigns.

4. On July 2, 2019, claimant provided sewer repair work to the property at 1961 Walnut Street, Marietta, Pennsylvania 17547.

5. The amount due and owing for the sewer repair work on the above-described property is \$5,263.55. A true and correct copy of a statement reflecting Defendant's outstanding balance with Marietta Borough for the sewer repair work is attached hereto as **Exhibit A** and made a part hereof. The costs for the sewer repair work described in Exhibit A plus additional costs are as follows:

July 2, 2019 Sewer Repair Work	\$5,263.55
Certified Mail	\$6.80
Costs (filing fees)	\$41.00
Attorney's Fees	<u>\$230.00</u>
TOTAL	\$5,541.35

6. The above-referenced amount for which this claim is filed has been certified as unpaid by Marietta Borough to the Solicitor of the said Borough.

7. Notice to pay the above-described sewer repair bill was communicated to the owner of the property according to law.

8. This municipal lien is filed in strict compliance with Resolutions adopted by Marietta Borough regarding fees for sewer and trash services as supplied from time to time, as well as the Municipal Claims Act of 1923, May 16, P.L. 207, as amended, 53 P.S. § 7101, et seq.

9. The sum as hereinbefore set forth and herein claimed is due has been legally demanded and remains unpaid.

WHEREFORE, Marietta Borough claims to have a lien on the aforementioned property for the aforementioned amount, together with statutory collection fees, costs, and interest as allowed by law from the date hereof.

CI-19-10564

RUSSELL, KRAFFT & GRUBER, LLP

By: Brandon S. Harter

Brandon S. Harter, Esquire

Attorney I.D. 307676

930 Red Rose Court, Suite 300

Lancaster, PA 17601

Telephone: (717) 293-9293

Facsimile: (717) 293-5130

Attorneys for Plaintiff

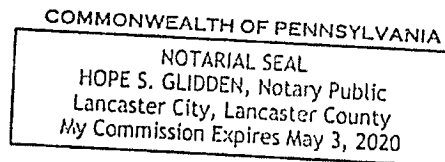
Brandon S. Harter, Esquire, being duly sworn according to law, deposes and swears that Russell, Krafft & Gruber, LLP, are the Solicitors for Marietta Borough, and that the facts set forth in the foregoing Municipal Lien Claim for sewer and trash services are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed
to before me this 21ST day
of OCTOBER, 2019.

Brandon S. Harter
Brandon S. Harter, Esquire

Hope S. Glidden
Notary Public

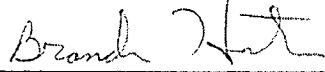
CI-19-10564



CERTIFICATE OF COMPLIANCE

I certify this filing complies with the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

RUSSELL, KRAFFT & GRUBER, LLP

By:  **CI-19-10564**

Brandon S. Harter, Esquire
Attorney I.D. 307676
930 Red Rose Court, Suite 300
Lancaster, PA 17601
Telephone: (717) 293-9293
Facsimile: (717) 293-5130

Attorneys for Plaintiff

CI-19-10564

EXHIBIT A



October 24, 2019

Russell, Kraft & Gruber LLC
Attn: Brandon S. Harter
Hempfield Center
930 Red Rode Court Suite 300
Lancaster, PA 17601

CI-19-10564

Re: Lien

Dear Brandon:

Please file a Municipal Lien Claim on the following property for unpaid sewer repair work done to the property on July 2, 2019.

Property Owners Name & Address:

John & Judy Herr
265 W. Walnut Street
Marietta, PA 17547

Property Location: 265 W. Walnut
Marietta, PA 17547

Amount due to the Marietta Borough Office: \$5,263.55

Should you have any questions, please do not hesitate to contact me at the telephone number listed below.

Sincerely,
Ronda K. Ney
Ronda K. Ney
Sewer & Trash Secretary

ENTERED AND FILED
PROTHONOTARY'S OFFICE
LANCASTER, PA
*** Electronically Filed ***
Oct 31 2019 04:16PM
Ryan McMinn

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
PROTHONOTARY
CIVIL COVER SHEET

PLEASE LIST NAMES AND ADDRESSES OF ADDITIONAL PARTIES ON A SEPARATE SHEET.

ALL PARTY INFORMATION IS REQUIRED INCLUDING ZIP CODES. ALL PARTY INFORMATION MUST MATCH THE PLEADING. PLEASE DO NOT STAPLE THE COVER SHEET TO THE PLEADING. IF AN EVENT NEEDS TO BE SCHEDULED, A CAO SCHEDULING COVER SHEET MUST ALSO BE ATTACHED.

TYPE OF ACTION: Municipal Lien Claim

For Prothonotary Use Only:

DOCKET No: CI-

PARTY INFORMATION

PLAINTIFF'S NAME: Marietta Borough

DEFENDANT'S NAME: John and Judy Herr

ADDRESS: 111 East Market Street
Marietta, PA 17547
*If confidential,
use 2nd sheet*

ADDRESS: 265 West Walnut Street
Marietta, PA 17547

CI-19-10564

MUNICIPALITY:

MUNICIPALITY:

TWP/BOROUGH: Marietta

TWP/BOROUGH: Marietta

DOB: TELEPHONE #:
(mm/dd/yyyy) (#####)

DOB: TELEPHONE #:
(mm/dd/yyyy) (#####)

FILING ATTORNEY / FILING PARTY INFORMATION

FIRM/OFFICE: Russell, Krafft & Gruber, LLP

FILING ATTORNEY/PARTY: Brandon S. Harter, Esquire

AOPC: (Attorney ID) #: 307676

ADDRESS: 930 Red Rose Court, Suite 300

CITY: Lancaster

STATE: PA

ZIP CODE: 17601

TELEPHONE #: (717) 293-9293
(#####)

EMAIL: bsh@rkglaw.com

TAX LIEN INFORMATION

MUNICIPALITY:

MAP REFERENCE:

DEED BOOK:

DEED PAGE:

DEED DATE:

SALE PRICE:

TAX YEAR:

TAX LIEN AMOUNT:

PROPERTY DESCRIPTION:

PFA/SVPO/PFI INFORMATION

HEARING DATE:

SOCIAL SECURITY #: (Defendant - Last 4 digits)

POLICE DEPARTMENT:

PREVIOUS PETITIONS: YES ☐ NO ☐ If 'YES', File Date: